

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HEATH VINCENT FULKERSON,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Case No. 3:20-cv-00425-MMD-WGC

ORDER

Plaintiff has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed *in forma pauperis* (the “IFP Application”). (ECF Nos. 1, 1-2.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb (ECF No. 4), recommending that the Court dismiss this action with prejudice. To date, no objection has been filed. For that reason, and because the Court agrees with Judge Baldwin, the Court will adopt the R&R.

The Court incorporates the facts outlined in the R&R (ECF No. 4 at 3-4) and does not recite them here.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

1 While Plaintiff has not objected, the Court nevertheless conducts *de novo* review to
2 determine whether to adopt Judge Cobb's R&R. Judge Cobb recommended that the Court
3 grant the IFP Application because he cannot pay the filing fee. (ECF No. 4 at 2.) Judge
4 Cobb also recommends that the Court *sua sponte* dismiss this action, under 28 U.S.C. §
5 1915(e)(2)(B)(i), because Plaintiff's complaint describes a "fantastical or delusional
6 scenario." (*Id.* at 4-5 (citing to *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989)).) The
7 Court agrees with Judge Cobb.

8 It is therefore ordered that the Report and Recommendation of Magistrate Judge
9 William G. Cobb (ECF No. 4) is accepted and adopted in full.

10 It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF
11 No. 1) is granted.

12 It is further ordered that the Clerk of Court detach and file the complaint (ECF No.
13 1-2).

14 It is further ordered that the Complaint (ECF No. 1-2) is dismissed with prejudice.

15 The Clerk is directed to enter judgment in accordance with this order and close this
16 case.

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18 DATED THIS 3rd day of September 2020.

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22 MIRANDA M. DU
23 CHIEF UNITED STATES DISTRICT JUDGE
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